

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:

Application of Storag Etzel GmbH for an
Order, Pursuant to 28 U.S.C. § 1782, to
Obtain Discovery for Use in a Foreign
Proceeding

Misc. C.A. No. 19-mc-209-CFC

**ORDER IMPLEMENTING THE COURT'S
JANUARY 23, 2020 ORDER APPOINTING
SPECIAL MASTER RODNEY A. SMOLLA**

WHEREAS, on January 23, 2020, District Judge Colm F. Connolly issued a Memorandum Order (D.I. 40) in the above-captioned action appointing Rodney A. Smolla, Dean and Professor of Law at Widener University, as a special master to address requests to file pleadings under seal pursuant to Federal Rule of Civil Procedure 53(a)(1)(C);

WHEREAS, the Memorandum Order requires that the Special Master “shall, after consulting with the parties, establish procedures for the handling of the Assigned Duties” (D.I. 40 at 4); and

WHEREAS, on February 5, 2020 at 1:00 p.m., Special Master Smolla held a scheduling conference with the parties to discuss procedures to be applied to the Special Master’s performance of the Assigned Duties under the Memorandum Order.

NOW, THEREFORE, it is hereby ordered as follows:

1. Pursuant to Paragraph 8 of the Memorandum Order, all materials submitted by the parties to the Special Master in the above-captioned action shall remain confidential and the parties and the Special Master shall preserve and protect the confidentiality of such materials and any information contained therein;
2. On February 27, 2020, the parties shall submit simultaneous briefs of no more than 20 pages addressing the Special Master's Assigned Duties. These submissions shall be filed with the Court and emailed to the Special Master;
3. Contemporaneously with these briefs, the parties shall file a joint appendix including copies of the filings in this action with redacted information highlighted;
4. Following submission of the parties' briefs, the Special Master may, at his discretion, request the parties to provide clarifications or submissions on specific questions;
5. On March 19, 2020 at 1:00 p.m., the Special Master will hold a hearing regarding the Special Master's Assigned Duties;
6. Pursuant to the Memorandum Order's statement that the Special Master shall be referred "the pending motion and any future requests to file a pleading under seal in this action," (D.I. 40 at 3) if the parties file any further pleadings with the District Court that contain confidential information, the parties shall file those

pleadings under seal and such pleadings shall be addressed by the Special Master as part of the scope of the Assigned Duties. The parties shall file redacted versions of any under seal filings within seven (7) days pursuant to the Court's CM/ECF Procedures;

7. The Special Master may request additional submissions and/or schedule additional proceedings, at his discretion as he deems necessary, with respect to further pleadings submitted by the parties to the District Court that contain confidential information; and

8. This Order may be amended from time to time, at the discretion of the Special Master.

February 18, 2020

A handwritten signature in blue ink, appearing to read "Rodney Smolla", is written over a horizontal line.

Rodney Smolla, Special Master